

STATE OF INDIANA – COUNTY OF MADISON
IN THE MADISON SUPERIOR AND CIRCUIT COURTS

**Notice of Proposed Amendment of Local Rule and finding Good Cause to Deviate From
Established Schedule
April 29, 2010**

The Judges of Madison Circuit and Superior Courts, pursuant to Trial Rule 81 (B), give notice of amendments to the local court rules and find good cause to deviate from the schedule for amending local rules under Trial Rule 81 (D). All new text is shown by underlining and deleted text is shown by ~~striketrough~~.

Notice has been given to the public on the website of the Madison County Clerk and on the Indiana Judicial Website, and by furnishing a copy to the officers of the Madison County Bar Association. Comments may be made until **June 1, 2010** to: Unified Court Administration, 16 E. 9th Street, Suite 417, Anderson, IN 46016.

These rule amendments will be effective on **June 15, 2010**.

DATED this 29th day of April, 2010 on behalf of the Judges of Madison County.

_____/S/_____

Dennis D. Carroll, Judge
Superior Court of Madison County
Division I

_____/S/_____

Rudolph R. Pyle III, Judge
Circuit Court of Madison County

_____/S/_____

G. George Pancol, Judge
Superior Court of Madison County
Division II

_____/S/_____

David A. Happe, Judge
Superior Court of Madison County
Division IV

_____/S/_____

Thomas Newman, Jr. Judge
Superior Court of Madison County
Division III

_____/S/_____

Thomas Clem, Judge
Superior Court of Madison County
Division V

LR48-TR10-31 ORDERS/DECREEES (FORM OF)

- A. The second and subsequent pages of all proposed orders shall contain an abbreviated case caption including the complete cause number.
- B. Proposed orders and decrees shall be legible, dignified and appropriate to the cause. Mimeographed or printed orders will be accepted for filing only if legible, clearly understandable, and void of strike overs and erasures. The appropriate Judge's name shall be placed under the appropriate signature line. The name of the person preparing the document shall appear on the order or decree.
- C. A proposed judgment or decree shall not be filed until such time the Court may grant the judgment or decree. Proposed divorce decrees shall not be submitted at the time the petition for dissolution is filed nor shall adoption decrees, garnishment orders, summary judgments or similar orders be submitted to the Court to be held in the Clerk's file for later use.
- D. Whenever the Court directs counsel to submit proposed findings and conclusions, or a proposed decree or memorandum order, in addition to filing a hard copy of said submission to the clerk, counsel shall submit a copy of said submission directly to the Court on floppy disk (or other approved electronic media) in Microsoft Word format, or as an email attachment in Word format to the court reporter of the Court.
- E. Proposed judgments or decrees submitted to the Court must be accompanied by a proposed CCS entry of six lines or less.

DECREEES AND ORDERS SIGNED BY NON-REGULAR JUDGES

- F. All proposed orders or decrees filed by counsel following a hearing before the Magistrate, Commissioner, or Referee shall include the following language:

"This matter comes before the Magistrate/Commissioner, etc... (name) for hearing . . ." At the end of the decree or order, the following language should appear, followed by a line for the Magistrate/Commissioner's, etc... signature "Recommended for Approval". The following entry should appear after the Hearing Officer's signature: "COMES NOW THE COURT AND ENTERS JUDGMENT ON THE COMMISSIONER'S FINDINGS AND RECOMMENDATIONS."

/s/ _____
Judge

Commentary: This rule does not apply to Senior Judges, Temporary Judges, or Pro tems.

- G. Notwithstanding the above, timely objections filed pursuant to Trial Rule 53(E)(2) will be given due consideration by the presiding Judge.

H. All Judgments or Decrees for the foreclosure of a Real Estate Mortgage shall provide (and if inadvertently omitted, therefrom, shall be deemed to provide) as follows:

1. Counsel for the Mortgagee shall submit a form of Sheriff's Deed, with appropriate blanks for the name and address (for purpose of real estate tax billings) of the Purchaser to be filled in by the Sheriff (or his or her Deputy) immediately after the sale;

2. That the Sheriff shall include as part of the costs of the Sale the recording and transfer fees for the recording of the Sheriff's Deed.

3. That the Sheriff shall cause the Sheriff's Deed to be promptly recorded after the completion of the Sheriff's Sale.

4. A copy of the Sheriff's return and the Sheriff's Deed shall be provided to the respective court's filing clerk for filing in the Court's case file.